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Attorneys for Defendant Nixon Peabody LLP

UNITED STATES BANKRUPTCY COURT

DISTRICT OF NEVADA

In re
DOUBLE JUMP, INC.

Debtor,

X Affects DC Solar Solutions, Inc.
X Affects DC Solar Distribution, Inc.
X Affects DC Solar Freedom, Inc.
X Affects Double Jump, Inc.

Lead Case No. BK-19-50102-gs
(Chapter 7)

Substantively Consolidated with:

19-50130-gs DC Solar Solutions, Inc.
19-50131-gs DC Solar Distribution, Inc.
19-50135-gs DC Solar Freedom, Inc.

CHRISTINA W. LOVATO,

Plaintiff,

v.

NIXON PEABODY LLP,

Defendant.

Adversary Case No.: 21-05072-gs

STIPULATION

1 This Stipulation (“Stipulation”) is entered into by and between Plaintiff Christina W.
2 Lovato (“Trustee”) and Defendant Nixon Peabody LLP (“Nixon”) in the above-captioned
3 adversary proceeding. On September 27, 2023, the Trustee filed a Motion to Compel Defendant
4 to Provide a Declaration and Produce (1) Documents and (2) Required Metadata (“**Motion to**
5 **Compel**”) [ECF No. 395]. On November 9, 2023, the Court held oral argument on that motion
6 and ordered the parties to meet and confer concerning, among other things, a proposed order
7 regarding the scope of a declaration to be provided to the Trustee by Nixon. The parties have
8 reached agreement regarding the scope of such a declaration. This agreement does not resolve
9 other pending aspects of the Trustee’ Motion to Compel, including the Trustee’s request for an
10 order compelling Nixon to conduct additional searches and produce metadata.

11 **IT IS STIPULATED AND AGREED** by Plaintiff Christina W. Lovato and Defendant
12 Nixon Peabody LLP that by January 9, 2024, Nixon will serve on the Trustee one or more
13 declarations that address the following items:

14 (1) The universe of ESI repositories Nixon preserved pursuant to any litigation hold(s)
15 related to DC Solar, the date each was preserved, and any information about ESI that was not
16 preserved.

17 (2) The identity of the custodian of each repository;

18 (3) Whether and, if so, when and how Nixon searched the repositories it preserved,
19 including the search terms and parameters used and whether it relied on self-collection;

20 (4) Nixon’s bases for any decision not to preserve or search presumptively relevant
21 repositories; and

22 (5) Any details explaining why Nixon produced any documents with altered or omitted
23 file path and custodian metadata, including why Nixon used technology or collection means that
24 it did relating to such data; what other means of collection and production were available to
25 Nixon; and the factual bases for Nixon’s objection to providing such data now.

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2 The Parties further agree that they will continue to confer on remaining issues presented
3 by the Trustee's Motion to Compel and will file a proposed order on those remaining issues by
4 January 15, 2024.

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6 DATED: December 8, 2023

7 KAEMPFER CROWELL

8 By: /s/ Louis M. Bubala III
9 Attorneys for Defendant Nixon Peabody, LLP

10 DATED: December 8, 2023

11 MELAND BUDWICK, P.A.

12 By: /s/ Gil Ben-Ezra
13 Attorneys for Plaintiff Christina W. Lovato
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